

A RESOLUTION
BY

 
C. T. Martin Anita Henderson

00- R -1988

A RESOLUTION AUTHORIZING SETTLEMENT OF ALL CLAIMS OF BRENDA L. JACKSON AND ANDRINA BRYANT, MOTHER AND NATURAL GUARDIAN OF TAJA BRYANT, A MINOR CHILD, AGAINST THE CITY OF ATLANTA, WAINE L. PINKNEY, WILLIE T. SAULS, AND IVANT T. FIELDS IN THE CASE OF BRENDA JACKSON, AS SURVIVING MOTHER AND ADMINISTRATRIX OF THE ESTATE OF WILLIE JERRY JACKSON, AND ANDRINA BRYANT, INTERVENOR V. CITY OF ATLANTA, ET AL., CIVIL ACTION FILE NUMBER 1:97-CV-0585-RLV, FILED IN THE UNITED STATES DISTRICT COURT; TO CAUSE PAYMENT TO BE MADE IN THE AMOUNT OF ONE MILLION TWO HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$1,275,000.00); AND FOR OTHER PURPOSES.

WHEREAS, on March 6, 1997, the Plaintiff Brenda Jackson initiated the case of Jackson v. City of Atlanta, et al., pursuant to 42 U.S.C. §§ 1983 and 1988, as well as several state law tort claims, including the claim of wrongful death of her son, Willie Jerry Jackson; and

WHEREAS, on August 24, 2000, the United States District Court granted a motion to intervene in this lawsuit filed by Andrina Bryant, mother and natural guardian of Taja Bryant, a minor child; and

WHEREAS, the Court consolidated this case and a case titled Wimbish, et al. v. City of Atlanta, et al. for the purposes of discovery, summary judgment motions, appeal and mediation; and

WHEREAS, the Plaintiffs' lawsuits stem from a shooting incident which occurred on December 7, 1995, involving Defendants Pinckney, Sauls and Fields, who were on duty as Atlanta police officers and working a plain clothes assignment; and

WHEREAS, on that morning, Defendants Pinckney, Sauls and Fields were driving an unmarked vehicle, and they followed a blue Pontiac, driven by Willie Jerry Jackson and occupied by Corey Dean, Toddrick Williams, and Quentin Wimbish, who all appeared suspicious to the officers, to a parking lot next to a business known as the Moto Cycle Shop located at 441 Marietta Street; and

WHEREAS, when the unmarked vehicle driven by the Defendant officers pulled into the parking lot alongside the blue Pontiac, none of the occupants remained in the Pontiac, so the officers exited their vehicle to investigate the Pontiac and the surrounding area, and to run a license plate check on the Pontiac; and

WHEREAS, while the officers were investigating, there was a loud automobile collision at a nearby intersection, which caused occupants of the Moto Cycle Shop, some of whom had been the occupants of the blue Pontiac, to exit the shop to see what had happened; and

WHEREAS, upon seeing the occupants of the Pontiac, Defendant Officer Sauls, who contends that he was wearing his police badge around his neck, approached the individuals at the front of the shop and, according to him, identified himself as a police officer; and

WHEREAS, Plaintiffs contend that none of the officers was wearing a police badge in a visible manner and they deny that Officer Sauls identified himself as a police officer; and

WHEREAS, when Officer Sauls approached, one of the men, Corey Dean, ran off around the building; and

WHEREAS, concerned for his safety, Officer Sauls ordered the other individuals to get on the ground, and at some point, Officer Sauls unholstered his gun; and

WHEREAS, just as Officer Sauls was reaching down to pat down the individuals on the ground, Thomas Stearns, an employee of the Moto Cycle Shop, fired gun shots from inside the store, allegedly because he believed that the shop was being robbed by the officers; and

WHEREAS, bullets fired by Mr. Stearns struck Officer Sauls, who fired his weapon in the direction of the gunfire until it was empty; and

WHEREAS, witnessing Sauls get shot, Defendant Officer Pinckney fired two shots toward the weapon in the doorway; and

WHEREAS, ricocheting gunfire killed Willie Jerry Jackson, Plaintiff Jackson's son, who was twenty-three (23) years of age and unarmed; and

WHEREAS, Plaintiff Jackson is the Administratrix of the estate of Willie Jerry Jackson; and

WHEREAS, intervenor Taja Bryant claims to be the minor child of Willie Jerry Jackson; and

WHEREAS, the Office of Professional Standards of the Atlanta Police Department conducted an administrative review of the officers' actions, and charged Officer Pinckney with a violation of Work Rule 6.09, Use of Firearms, for which Pinckney was suspended for five days; and

WHEREAS, Plaintiffs allege damages as a result of the incident, which allegedly violated their Fourth and Fourteenth Amendment rights and allegedly constituted wrongful death, false arrest, false imprisonment, assault and battery, including damages for the full value of the life of Willie Jerry Jackson, funeral and burial expenses, physical pain and suffering, mental stress and terror, personal degradation and humiliation, punitive damages, and attorneys' fees; and

WHEREAS, by Order dated November 30, 1998, United States District Judge Robert L. Vining denied the City of Atlanta and all Defendant officers' motions for summary judgment and granted Plaintiffs' motions for summary judgment against the Defendant Officers, finding as a matter of law that they are not entitled to qualified immunity; and

WHEREAS, the Defendant officers filed an interlocutory appeal in the United States Court of Appeals for the Eleventh Circuit, No. 99-8040, seeking a reversal of the District Court's grant of Plaintiff's motion for summary judgment against them and denial of their own motions for summary judgment; and

WHEREAS, the Eleventh Circuit Court of Appeals remanded both cases to the District Court for a jury trial to determine conflicting evidence regarding whether Defendants' stop of Plaintiffs was legal and for the Court to rule whether the Defendants are entitled to qualified immunity on Plaintiffs' claims that Defendants' violated Plaintiffs' right to equal protection by

selectively enforcing the law against them on the basis of their race; and

WHEREAS, Judge Vining of United States District Court ordered the parties to mediate this case and the Wimbish case in an effort to reach a compromise and settlement; and

WHEREAS, over the course of three mediation sessions, the parties agreed to settle all claims in both matters for a total of \$1,400,000.00, including attorney's fees, contingent upon the approval of the Atlanta City Council and the Mayor; and

WHEREAS, subsequent to the tentative settlement agreement, counsel for Defendants learned of the existence of a putative heir to the estate of Willie Jerry Jackson; and

WHEREAS, on September 19, 2000, the Honorable Robert L. Vining orally ordered counsel for Defendants to present settlement resolutions totaling \$1,400,000.00 to City Council and directed that, if the amount is approved, it should be paid to the registry of the Court for appropriate distribution depending on the outcome of the DNA testing; and

WHEREAS, Judge Vining orally ordered that this matter will be scheduled for trial in early December; and

WHEREAS, on October 27, 2000, Laboratory Corporation of America has concluded that the probability of paternity for Willie Jerry Jackson of intervenor Taja Bryant is 99.99% as compared to an untested, unrelated man if the Black population; and

WHEREAS, the amount of the offer of settlement acceptable to the Plaintiffs is, in the opinion of the City Attorney, appropriate to settle all claims against the City arising out of the case of Brenda Jackson, et al. v. City of Atlanta, et al.; and

WHEREAS, by this settlement, Defendants admit no liability.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES that the City Attorney be and is hereby authorized to conclude settlement of all claims against the City of Atlanta, Officer Wayne Pinckney, Officer Willie Sauls, and Officer Ivant Fields arising out of the lawsuits filed by the Plaintiff and Intervenor in the United States District Court, as set forth in Civil Action Number: 1:97-CV-0585-RLV.

BE IT FURTHER RESOLVED that the Chief Financial Officer is authorized to pay the total of One Million Two Hundred Seventy-Five Thousand Dollars (\$1,275,000.00) at the direction of the City Attorney from the account of 1A01 529017 T31001. Payment shall be in the form of a check in the amount of \$1,275,000.00, payable to the Clerk, United States District Court. Funds shall be distributed upon agreement of the City, the estate of Willie Jerry Jackson, and the guardian of Taja Bryant. Such payment will be in full consideration of the dismissal of all claims against all defendants.

AND BE IT FINALLY RESOLVED that such payment will be made from the 2001 budget.